

JS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Crystal Danzler

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Gerald J. Williams, Esq., Williams, Cuker, Berezofsky, LLC  
1515 Market St., Ste 1300, Philadelphia, PA 19102 215-557-0099

## DEFENDANTS

City of Philadelphia, Officers Thomas Liciardello, Michael Spicer,  
Brian Reynolds, Perry Betts, Brian Speiser, and Lt. Robert Otto

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC Section 1983

Brief description of cause:  
false arrest and malicious prosecution

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Diamond

DOCKET NUMBER 12-5690

DATE

09/30/13

SIGNATURE OF ATTORNEY OF RECORD

SEP 30 2013

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



## UNITED STATES DISTRICT COURT

13

5714

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1424 Green Lane, Philadelphia, PA 19141

Address of Defendant: City of Philadelphia, Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐

No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐

No ☒

RELATED CASE, IF ANY:

Case Number: 12-5690

Judge

Diamond

Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☒ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Gerald J. Williams

counsel of record do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 09/30/13

Attorney-at-Law

36418

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/30/13

Attorney-at-Law

36418

Attorney I.D.#

CIV. 609 (6/08)

SEP 30 2013



PD

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Crystal Danzler,  
aka Crystal Young  
v.  
City of Philadelphia, et al.

:  
:  
:  
:  
:  
:

CIVIL ACTION

**13 5714**  
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

09/30/13

Date

Gerald J. Williams

Attorney-at-law



Attorney for Plaintiff

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Telephone

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FAX Number

gwilliams@wcblegal.com

E-Mail Address

SEP 30 2013



\$400

PD

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CRYSTAL DANZLER /a/k/a  
CRYSTAL YOUNG  
1424 Green Lane  
Philadelphia, PA 19141

PLAINTIFF

v.

P/O THOMAS LICARDELLO,  
P/O MICHAEL SPICER,  
P/O BRIAN REYNOLDS, P/O PERRY  
BETTS, P/O BRIAN SPEISER, LT.  
ROBERT OTTO, AND  
CITY OF PHILADELPHIA

DEFENDANTS

CIVIL ACTION NO.:

13 5714

FILED

SEP 30 2013

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

Complaint (Civil Action)

I. PRELIMINARY STATEMENT

1. In December 2012, local media revealed that several members of the Philadelphia Police Department's Narcotics Field Unit had, for a significant length of time, used improper and unconstitutional means to investigate and prosecute narcotics violations, including acquiring warrants by misrepresentation, illegally entering private property, illegally searching and detaining persons and property, and subjecting individuals to unlawful arrest, detention, and prosecution. Philadelphia District Attorney Seth Williams announced he would no longer accept testimony from Officers Michael Spicer, Thomas

10/1/13



Liciardello, Brian Reynolds, Perry Betts, Brian Speiser, and Lt. Robert Otto in drug cases, believing each had lost their credibility, and would no longer accept narcotics charges when any of these officers is a necessary witness. Since then, numerous cases these officers have been involved with have been dismissed or overturned. In fact, there is a longstanding history of egregious illegal and unconstitutional conduct on the part of Philadelphia Police Officers engaged in narcotics enforcement. Plaintiff brings this action under 42 U.S.C. § 1983 for money damages and other relief. Plaintiff seeks redress for false arrest and malicious prosecution, committed in violation of his rights under the Fourth and Fourteenth Amendments of the Constitution of the United States.

## **II. JURISDICTION AND VENUE**

2. This action is brought pursuant to 42 U.S.C. § 1983. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343(1), (3), and (4). This Court has jurisdiction to adjudicate plaintiff's state law claims under 28 U.S.C. § 1367(a).
3. Venue is properly laid in this judicial district, as all defendants are found therein, and all acts and events giving rise to the complaint occurred therein.

## **III. PARTIES**

4. Plaintiff Crystal Dantzler a/k/a Crystal Young is a citizen of the United States with a residence in the Commonwealth of Pennsylvania at the above captioned address, and at all relevant times to this case was in the Eastern District of Pennsylvania.
5. Defendant City of Philadelphia is a municipality in the Commonwealth of Pennsylvania and owns, operates, manages, directs, and controls the Philadelphia Police Department



(“PPD”), and, by and through its officials with final authority to do so, promulgates, implements and maintains policies, practices and procedures for the Department and its police officers.

6. Defendants Liciardello, Betts, Spicer, Speiser, and Reynolds, Ott (“defendant officers”) are police officers, and a Lt. respectively, for the Philadelphia Police Department and assigned to the Narcotics Field Unit (“NFU”). The defendant officers are sued in their individual capacities.
7. At all relevant times, all defendants were acting in concert and conspiracy and their actions deprived plaintiff of her constitutional and statutory rights.
8. At all relevant times, all defendants acted under color of state law.

#### **IV. FACTUAL ALLEGATIONS**

9. On September 28, 2011, between 7-8pm, defendant officers, entered the home of plaintiff located at 1424 Green Lane, Philadelphia, PA 19141.
10. Defendant Liciardello claimed to have a search warrant for the property, but at no time was the search warrant shown to plaintiff.
11. Plaintiff was held in her dining room while defendants and other officers ransacked her home causing damage including but not limited to damage to her couch and other furniture, and damage to the carpet on her living room stairs.
12. Defendants allege to have found a bag of prescription medications, along with prescription pads and \$1,020.00 cash in plaintiff’s residence.
13. Plaintiff was arrested by defendant Liciardello and her property seized.
14. Plaintiff was charged with a variety of crimes related to possession of allegedly illegal possession of prescription medications.



15. Plaintiff was confined in county jail until on or about October 6, 2011 when her bail was posted.
16. As a result of her confinement, plaintiff was out of work and lost wages for a period of seven days. Plaintiff lost additional time from work as a result of multiple court appearances related to the charges against her.
17. Following her confinement, plaintiff's property remained sealed, and she was without access to her personal property including but not limited to, diabetes medications and supplies.
18. Plaintiff and her teenage son were forced to reside at a hotel due to the seizure of the property, and as a result incurred expenses related to the same.
19. As a result of the seizure of her property, plaintiff was forced to change her locks and incurred costs in the amount of \$750.
20. At no time on September 28, 2011 was plaintiff in possession of any illegally obtained prescription drugs, contraband items or materials, or engaged in any criminal conduct.
21. Unbeknownst to plaintiff at the time of her arrest, officials of the Philadelphia District Attorney's Office and the PPD were aware of a long-standing pattern of misconduct perpetuated by defendants and other members of the NFU.
22. Said pattern included the fabrication of probable cause for searches and seizures, false arrests, misleading or deceptive affidavits and other statements of probable cause, theft of money and other property from suspects and arrestees, and the provision of unreliable or false evidence and testimony in the course of numerous investigations and prosecutions.
23. On December 3, 2012, in light of its knowledge regarding defendants and their fellow NFU officers, the District Attorney's Office issued a letter to the Commissioner of the



PPD declaring that the District Attorney would no longer accept or use testimony from them. In the succeeding weeks, given the severity of the misconduct of defendants and other NFU officers, criminal charges have been dismissed against nearly 300 persons whom they arrested.

24. The charges against plaintiff were ultimately nolle prossed.

25. As a result of her false arrest and related confinement, plaintiff suffered significant damages and harms, including but not limited to:

- a) loss of liberty;
- b) emotional distress;
- c) deprivation of property;
- d) interference with daily activities;
- e) wage loss and loss of earning capacity, some of which are ongoing and/permanent.

26. Plaintiff's damages and harms were caused by the culpable conduct of defendants, as alleged in greater detail hereinbelow.

27. The conduct of defendant officers was carried out in wanton and outrageous disregard for the constitution and plaintiff's rights thereunder, and was motivated solely by their self-interest, completely unrelated to the administration of justice, thereby warranting an award of exemplary damages against them.

## **V. CAUSES OF ACTION**

### **COUNT I**

**Plaintiff v. Defendant Officers**  
**42 U.S.C. § 1983**



28. Plaintiff incorporates by reference paragraphs 1 through 27 as though each were set forth in their entirety.

29. Plaintiff suffered the harms and damages alleged hereinabove as a direct and proximate result of defendants' violation of her rights under the Fourth and Fourteenth Amendment to be free from false arrest and unreasonable search and seizure, malicious prosecution, wrongful conviction and incarceration, and deprivation of liberty and property without due process.

**Count II**  
**Plaintiff v. Defendant Officers**  
**42 U.S.C. § 1983 (Conspiracy)**

30. Plaintiff incorporates by reference paragraphs 1 through 29 as though each were set forth in their entirety.

31. Defendants, acting within the scope of their employment as police officers and under color of state law, agreed between themselves and/or other individuals to act in concert to deprive plaintiff of clearly established Constitutional rights, as alleged hereinabove.

32. In furtherance of the conspiracy, defendants engaged in and/or facilitated multiple overt acts, including but not limited to:

- a) fabricating probable cause to arrest plaintiff;
- b) fabricating evidence to advance plaintiff's prosecution and/or conviction;
- c) providing false corroboration of each other's false statements and accounts;



- d) stealing and retaining money belonging to plaintiff, and falsifying reports regarding plaintiff's property.

33. As a result of defendants' conspiracy and acts in furtherance of it, plaintiff suffered the harms and damages alleged hereinabove.

**Count III**  
**Plaintiff v. City of Philadelphia**  
**42 U.S.C. §1983**

34. Plaintiff incorporates by reference paragraphs 1 through 33 as though each were set forth in their entirety.

35. There is longstanding and well-known history of Philadelphia Police Officers engaging in egregious, illegal, and unconstitutional conduct in the course of investigating and prosecuting narcotics offenses, including:

- a. the "One Squad Scandal" of the early 1980's when Philadelphia narcotics officers were convicted of selling drugs stolen from dealers;
- b. federal convictions of the "Five Squad" for, among other things, racketeering in the 1980s;
- c. The 39th District scandal that came to light in 1995 when members of the 39th Police District were federally prosecuted and convicted of violating the rights of, and stealing from, Philadelphians;
- d. federal narcotics convictions that were overturned in 1998 when internal affairs found that a Philadelphia Police Department narcotics officer was potentially corrupt; and



- e. the events described in the Philadelphia Daily News series titled “Tainted Justice.”

36. The individual defendants’ violations of plaintiff’s constitutional rights and his related damages were caused, encouraged, tolerated and/or ratified through longstanding policies, practices, customs, and usages maintained by the City of Philadelphia and its Police Department.
37. These policies, practices, customs, and usages, all maintained with deliberate indifference, included but were not limited to:
- a. failure to supervise, monitor, or properly train officers adequately in the proper exercise of police powers;
  - b. failure to supervise, monitor, and properly train police officers adequately regarding false arrest, malicious prosecution, and citizens’ constitutional and civil rights;
  - c. failure to supervise, monitor, and properly train police officers regarding their duty to report and disclose the misconduct and illegal actions of other officers;
  - d. failure to monitor police officers whose conduct it knew violated constitutional and legal requirements; and
  - e. failure to supervise, investigate, or discipline appropriately defendants and other officers it knew violated citizens’ rights on a repeated basis, and/or repeatedly provided false or fabricated evidence in the course of investigations, arrests, and prosecutions.
38. With respect to defendants and other NFU officers, the City and its high-ranking officials were aware of numerous facts and circumstances from which it did know, or could have



and should have inferred, that defendants were engaged in a longstanding pattern of illegal and unconstitutional conduct consistent with the conduct by which they victimized plaintiff.

39. Such facts and circumstances included but were not limited to:

- a. numerous citizen complaints against the officers;
- b. numerous civil lawsuits against the officers and discovery obtained therein;
- c. numerous complaints by other officers, including complaints forwarded to the Department's Internal Affairs Division;
- d. numerous successful motions to suppress evidence purportedly obtained by the officers in the course of their investigation.

40. Despite these facts and circumstances, and the known conduct of defendants, the City and its officials remained deliberately indifferent to them and the risks they engendered for the violation of citizens' rights, and failed to take any meaningful actions to address them.

41. Further, the City of Philadelphia is deliberately indifferent to the need to train, supervise, and discipline police officers. The Internal Affairs Division (IAD) of the Philadelphia Police Department (PPD) fails to provide an internal disciplinary mechanism that imposes meaningful disciplinary and remedial actions in the following respects:

- a. There are excessive and chronic delays in resolving disciplinary complaints;
- b. There is a lack of consistent, rational, and meaningful disciplinary and remedial actions;
- c. There is a failure to effectively discipline substantial numbers of officers who were found to have engaged in misconduct;



- d. The PPD's internal investigatory process has fallen below accepted practices and is arbitrary and inconsistent;
- e. The PPD's discipline, as practiced, is incident based rather than progressive.  
Thus, repeat violators are not penalized in proportion to the number of violations;
- f. The conduct of IAD officers demonstrates that PPD internal affairs personnel are inadequately trained and supervised in the proper conduct of such investigations;
- g. A global analysis of IAD's investigatory procedures indicates a pattern of administrative conduct where the benefit of the doubt is given to the officer rather than the complainant;
- h. There are serious deficiencies in the quality of IAD investigations and the validity of the IAD's findings and conclusions;
- i. The PPD lacks an effective early warning system to identify, track, and monitor "problem" officers;
- j. Despite the fact that the defendant officers and others assigned to the NFU had amassed an exceptionally large number of serious misconduct complaints, the officers stayed well below the radar of any early warning system;
- k. Despite numerous prior complaints against the defendant officers, the PPD took no meaningful disciplinary or remedial actions;
- l. Despite numerous prior complaints against the defendant officers, the PPD took no meaningful steps to more closely monitor, retrain, and supervise the officers;
- m. IAD frequently fails to interview available eyewitnesses to incidents involving citizen complaints of misconduct. The interviews that are conducted by IAD are



below standards of acceptable police practice and fail to address key issues in the cases.

42. As a result, defendants operated in a “culture” that facilitated and encouraged their unconstitutional misconduct, a culture that was so firmly established as to compromise a “policy” of the City of Philadelphia, and, as aforesaid, resulted in harm to plaintiff.

#### **VI. JURY DEMAND**

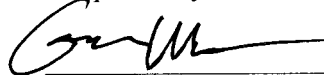
43. Plaintiff demands a jury determination of all issues so triable.

#### **VII. PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays the Court for judgment in his favor, against all defendants, individually, jointly and severally, and asks for the following relief:

- a) compensatory and general damages;
- b) punitive damages against defendant officers;
- c) attorney’s fees and costs pursuant to 42 U.S.C. § 1988;
- d) such interest and other costs as are allowed by law;
- e) such other relief as the Court deems just and equitable.

Respectfully submitted,



GERALD J. WILLIAMS, ESQUIRE

Attorney I.D. #36418

Beth G. Cole, Esquire

Attorney I.D. #36419

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Dated: September 30, 2013